

REMARKS/ARGUMENTS

Claims 9-21 are active. Minor corrections have been made to the claims and remarks of the Amendment filed January 26, 2004. Support for the term "VLDL" used in Claim 9 is found in original Claim 1. Support for the labeled antibodies of Claim 12 is found on page 7, lines 21-24 and on page 11, line 9. In view of the nature of these corrections, the Applicants do not believe that any new matter has been added. For the convenience of the Examiner the rest of the prior Remarks are reiterated below.

Priority

The Applicants thank Examiner Nguyen for acknowledging the receipt of the foreign priority documents.

Rejection—35 U.S.C. §112, first paragraph

Claims 1-8 were rejected under 35 U.S.C. 112, first paragraph as lacking adequate enablement for monoclonal antibodies other than MAb 55201 produced by hybridoma cell line FERM BP-6938. The rejection of Claims 1-8 is moot in view of their cancellation.

The Applicants respectfully submit that this rejection would not apply to the present claims in view of the experimental data presented below showing that other monoclonal antibodies having the same characteristics as MAb 55201 can be isolated using the same methodology as used to make MAb 55201. Briefly, at least two other monoclonal antibodies were produced and isolated using the same procedures used to make MAb 55201. These other antibodies are designed monoclonal antibody 55205 and monoclonal antibody 55207.

As shown in Supplemental Figure 1 monoclonal antibodies 55201, 55205 and 55207 each bind to a unique band corresponding to apoA-I as shown by Western Blotting.

As shown by Table A (see next page), monoclonal antibodies 55201, 55205 and 55207 bind to HDL containing apoA-I alone (B-GtXapoA-I), but did not react with HDL containing apoA-II (B-GtXapoA-II).

Supplemental Figure 3, shows that monoclonal antibodies 55201, 55205 and 55207 all exhibit a similar pattern of reactivity with respect to apo-A fractions separated by gel-filtration.

Accordingly, in view of these data, the Applicants respectfully submit that undue experimentation would not be required of one with skill in the art to obtain a monoclonal antibody with the functional characteristics claimed in Claim 9.

Rejection—35 U.S.C. §112, second paragraph

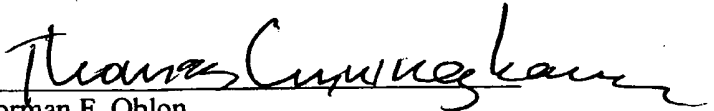
Claims 1-8 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. These rejections are moot in view of the cancellation of these claims.

CONCLUSION

In view of the above amendments and remarks, the Applicants respectfully submit that this application is now in condition for allowance. Early notification to that effect is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



Norman F. Oblon  
Registration No. 24,618

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 08/03)  
TMC/bu

Thomas M. Cunningham, Ph.D.  
Registration No. 45,394